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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,569	11/15/2001	Shuntaro Aratani	03560.002934.	7348
5514 7590 06/26/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
YENKE, BRIAN P				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
06/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/987,569
Filing Date: November 15, 2001
Appellant(s): ARATANI ET AL.

Justin J. Oliver,
Reg. No. 44,986
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/13/2008 appealing from the Office action mailed 09/13/2007.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying that no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

All amendments have been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Grounds of Rejection To Be Reviewed On Appeal

The appellant's statement on the grounds of the rejection in the brief is correct.

(7) Claims 46-61 (Appendix)

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

US 2003/0164976	Ihara et al.,	September 2003
US 6,426,778	Valdez Jr.,	July 2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al., US 2003/0164976 in view of Valdez, Jr., US 6,426,778.

In considering claims 46 and 51,

Ihara discloses a television receiving apparatus (set-top box 3) which is connected to a printer device (5) (Figs 1-2), which communicate to each other via a IEEE 1394 interface.

Ihara discloses receiving receive broadcast information which is demodulated (11), descrambled (12) and converted into data pursuant to the IEEE 1394 standard (para 72). When the user desires to issue a print command to print data pertaining to the broadcast (para 97) the CPU 23 of the set top box specifies the type of sheet, quality color layout in accordance with the picture displayed on the television device 4. Ihara also discloses that the set top box communicates the control parameters to the printer wherein the set top box receives information from the printer wherein if the printer is able to accept the operation mode parameters (para, 103, 112-114, 171). Ihara also discloses that the printer status may display the contents/type/parameters (para 95) in addition to the picture.

However, Ihara does not explicitly recite receiving markup language in the received broadcast. Although the reception of such is notoriously well known in the art, the examiner nonetheless incorporates Valdez, Jr., US 6,426,778 which is of the same field of endeavor, which discloses the concept of markup language being received within a TV broadcast, wherein a browser/computer can control the picture in response to the control data received by both the picture and markup data.

Regarding the new limitation of document data including a script for acquiring status information of the printer and status display information corresponding to the acquired status information.

It is noted that appellant's own specification discloses that by incorporating a browser into a television a user may receive broadcasts/markup language data and perform the operations as claimed (see para, 04,05,09, 57,59,68 and 80 specifically). The appellants disclosure states that by receiving markup language such as XML which includes this script data which is used by the system (i.e. IEEE 1394) to control print operations. The appellant's disclosure states that control/script data is received from the broadcast signal---thus a receiver/decoder on the user's end needs only to receive such signal and carry out the appropriate instructions/script.

Valdez also discloses that the use of browsers (including XML) in a TV system are notoriously well known, in order to properly display received data (col 1, line 39 to col 3, line 39). Thus when receiving the markup language data the data includes a script for acquiring status information of the printer in addition to status display corresponding to such status which is used to determine whether the printer can execute such printing.

In addition Ihara discloses the use of a display which is connected to a printer via IEEE-1394, which is used to determine the status/ability of the printer to perform requested functions (para 0172). It is also noted that the appellant's invention also uses the IEEE-1394 interface to control the process based upon received instructions from the markup language.

Thus the combination of Ihara and Valdez provides a TV system the ability to receive markup language data in addition to broadcast programs and carry out the instructions/script data received by using the 1394 interface in order to ensure the printer is capable of executing/carry out requested operations.

Therefore, it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to recognize that since Ihara discloses a system which receives broadcast signals, to also process all the data included in such signals such as the additional markup language data which are provided by the broadcaster, since the inclusion of such is to provide the user additional information/products/services which may be of interest to the user.

In considering claims 47-50 and 52-61,

As stated above, Ihara discloses a system which customizes the print function based upon received picture information, which includes display layout/style format (para 97, 112-114, 121-126 and 154)

As stated in the previous rejection, with regard to an IEEE 1394 interface between devices, the printer receives/transmits information to the display (as would be a conventional printer with a computer monitor), wherein it would provide the user prompts, notifying if paper was out, printing is completed, not compatible or the printer has stopped, these are all functions associated which are previously known.

(10) Response to Arguments

Appellant's Arguments

a) Appellant states that Ihara does not describe that a script and a plurality of status display information are provided in a broadcast signal thus cannot suggest the use of such broadcast data to query a printer and display the printer's status to a user.

b) Appellant states that the examiner uses "non prior-art" sections of the appellant's disclosure, and thus the appellant states that these sections are not "Prior Art". Appellant states that para 0009 states that broadcast data such as a script may be provided in a markup language but does not describe a specific function of such a script.

c) Appellants states that even if Valdez et al, teaches receiving markup language, there is absolutely no suggestion in Valdez that such markup language included both the claimed script and the claimed plurality of status display information. Appellants states that even if the documents could be combined as proposed the combination would be altogether devoid of any mention of the claimed script and plurality of status display information.

Examiner's Response

a) The examiner disagrees. It is noted by the examiner that Ihara does not explicitly recite receiving this script information in the received broadcast signal. However, as disclosed by appellants (para 000()) digital data is commonly broadcast using the DSM-CC data carousel defined in the ISO/IEC Standard 13818-6 which includes script information and the text information is described in the XML (extensible Markup Language), thus the examiner's position was that any receiver/browser that received this broadcast signal would also receive this script information. Appellant's disclosure (para 0056) states that broadcast data includes text information, script information, display layout information, print layout information etc.. using the DSM-CC data carousel (defined in ISO/IEC Standard 13818-6). As stated in the rejection Ihara discloses the concept of communication between a printer and a TV (i.e. to determine connection/status/type of printer etc...) and Valdez was incorporated to evidence the concept of receiving TV and markup language data and controlling devices (i.e. printer etc... col 5, line 5-10) accordingly. Thus the examiner previously stated that if a typical broadcast signal includes script information and a TV receiver included a browser and also had a communication between the printer and display/receiver the received script information would be carried out as intended.

b) The examiner agrees that the portions of the appellant's cited paragraphs are not physically in the "Prior Art" section physically, however these paragraphs recite/disclose a broadcast signal as defined by a standard (i.e. ISO/IEC Standard 13818-6), and the invention discloses executing this script, wherein the examiner's premise for the rejection was that a system that can receive the conventional signal which includes this script/broadcast data could then execute the script data (i.e. with a browser) and carry out the claimed operations.

c) The examiner disagrees. It is noted that the appellant's disclosure states that the script and plurality of status display information is received via a broadcast, thus the information is included in the received signal. The questions of obviousness as per the Supreme Courts unanimous decision in KSR vs Teleflex "If a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so, a 103 likely bars its patentability". In the instant case the

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appellants is claiming that they are receiving and identifying the status based upon the received information and the printer. The concept of identifying the status of the printer (i.e. out of paper, printing etc...) being displayed on a screen has been conventional practice for monitors connected to a printer, and with the use of WebTV and printers being connected to a TV, the process of displaying this information on a TV signal receiving apparatus would be necessary to ensure the user is away of the printing status. As stated in the rejection, Ihara discloses the concept of communication between a TV unit and a printer via the IEEE 1394 protocol (to determine connection/status/type of printer etc...) and Valdez discloses the concept of receiving both TV data and markup language and thus this combination would provide the limitations as claimed, in addition to the conventional capability of informing the user/system of the printer status.

(11) Related Proceeding Appendix

The appellant's statement that there are no related proceedings and thus not corresponding appendix is correct.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

BPY

(Conference held June 16, 2008)

/BRIAN P. YENKE/

Primary Examiner, Art Unit 2622

Conferees:

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